

**PRELIMINARY MINUTES
ZONING COMMISSION
ZONING MEETING**

THURSDAY, JANUARY 7, 2010
9:00A.M. 1ST Floor
Vista Center
2300 N. Jog Road, West Palm Beach, FL 33411

CALL TO ORDER

A. Roll Call 9:00 A.M.

Commissioner William F. Anderson, Chairman
Commissioner Sherry Hyman, Vice Chair
Commissioner Allen Kaplan
Commissioner Sheri Scarborough
Commissioner Joanne Davis **Absent**
Commissioner Alex Brumfield **Arrived 9:03a.m**
Commissioner Sam Caliendo
Commissioner Mark Beatty
Commissioner Robert Currie

B. Opening Prayer and Pledge of Allegiance

C. Remarks of the Chair

The Zoning Commission of Palm Beach County has convened at 9:00 A.M. in the Vista Center 1st Floor Hearing Room VC-1W-47, 2300 N. Jog Road, West Palm Beach, FL, to consider applications for Official Zoning Map Amendments, Planned Developments, Conditional Uses, Development Order Amendments, Type II Variances and other actions permitted by the Palm Beach County Unified Land Development Code and to hear the recommendations of staff on these matters. The Commission may take final action or issue an advisory recommendation on accepting, rejecting or modifying the recommendations of staff. The Board of County Commissioners of Palm Beach County will conduct a public hearing at 301 N. Olive Avenue, West Palm Beach, FL, in the Jane M. Thompson Memorial Chambers, 6th Floor, at 9:30A.M. on Thursday, January 28, 2010 to take final action on the applications listed below.

D. Proof of Publication

E. Swearing In

County attorney sworn in the New Commissioners.

F. Adoption of the Minutes - 5-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Kaplan	Caliendo	Beatty	Currie
Yes	Absent	Yes	Yes	Yes	Yes	N/A	N/A	N/A
		Moved						

Commissioner Hyman suggested the Minutes be placed before the Agenda in the packet.

G. Disclosures

Brumfield	Davis	Hyman	Anderson	Scarborough	Kaplan	Caliendo	Beatty	Currie
None	Absent	3, 4	None	None	None	None	None	None

POSTPONEMENTS/REMANDS/WITHDRAWALS AGENDA

A. POSTPONEMENTS

1. DECISION: POSTPONED

Z/DOA-2009-00205 Title: an Official Zoning Map Amendment application of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District. Title: a Development Order Amendment application of Church Of God At Palm Beach Gardens by Cotleur & Hearing Inc., Agent. Request: to reconfigure the site plan. General Location: Northwest corner of Lone Pine Road and Prosperity Farms Road (**Maranatha Church**) (Control 1973-00160)

Pages 1 - 1

Project Manager: Carol Glasser

Size: 12.47 acres +

BCC District: 1

Staff Recommendation: To recommend postponement of the application to January 28, 2010.

MOTION: To postpone the application to January 28, 2010. Carried 8-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Kaplan	Caliendo	Beatty	Currie
Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes
				Seconded	Moved			

People who spoke on this application:

Carol Glasser, Site Planner II, Zoning

General Discussion:

Staff indicated that the applicant was hosting an open house for the residents on January 12, 2010

B. REMANDS

C. WITHDRAWALS

END OF POSTPONEMENTS/REMANDS/WITHDRAWALS

CONSENT AGENDA

A. REQUESTS TO PULL ITEMS FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

2. DECISION: APPROVED AS ADVERTISED

Z-2009-03944 Title: an Official Zoning Map Amendment application of Pennock Point Estate LLC by Cotleur & Hearing Inc., Agent. Request: to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District. General Location: Southeast side of Pennock Point Road south of Old Fort Jupiter Road (**Pennock Point**) (Control 2009-02233)

Pages 2-15

Conditions of Approval Pages (11-11)

Project Manager: Carol Glasser

Size: 1.90 acres +

BCC District: 1

Staff Recommendation: Staff recommends approval of the request with a Conditional Overlay Zone subject to 3 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Residential Single-family (RS) Zoning District to the Residential Transitional (RT) Zoning District with a Conditional Overlay Zone subject to the Conditions of Approval as indicated in Exhibit C. Carried 8-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Kaplan	Caliendo	Beatty	Currie
Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

E. CORRECTIVE RESOLUTIONS

F. SUBDIVISION VARIANCE

END OF CONSENT AGENDA

REGULAR AGENDA

A. ITEMS PULLED FROM CONSENT

B. STATUS REPORTS

C. PREVIOUSLY POSTPONED ZONING APPLICATIONS

D. ZONING APPLICATIONS - NEW

3. DECISION: APPROVED AS AMENDED

Z/COZ-2009-03936 Title: an Official Zoning Map Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Industrial Light (IL) Zoning District. General Location: South of Belvedere Road on the west side of Cleary Road (**MPC III Turnpike Business Park**) (Control 2002-00011)

Pages 16-50

Conditions of Approval Pages ()
 Project Manager: Carol Glasser
 Size: 38.80 acres ±
 (affected area 25.86 acres +)

BCC District: 6

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Industrial Light (IL) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.. Carried 8-0

Brumfield	Davis	Hyman	Anderson	Scarborough	Kaplan	Caliendo	Beatty	Currie
Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

People who spoke on this application:

Carol Glasser, Site Planner II, Zoning – Gave brief presentation
 Edna Trimble, Agent, McCraney Property Co. – Agreed to conditions of approval as amended on the add/delete.

General Discussion:

Item was discussed together with application Z/COZ-2009-2170 for the Fun Depot.

4. DECISION: APPROVED AS AMENDED

Z/COZ-2009-02170 Title: an Official Zoning Map Amendment application of MPC 3 LLC by McCraney Property Co., Agent. Request: to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Commercial Recreation (CRE) Zoning District. General Location: Southwest corner of Belvedere Road and Cleary Road. **(Fun Depot)** (Control 2009-02465)

Pages 51-81
 Conditions of Approval Pages ()
 Project Manager: Carol Glasser
 Size: 9.02 acres ±

BCC District: 6

Staff Recommendation: Staff recommends approval of the Official Zoning Map Amendment with a Conditional Overlay Zone subject to 22 Conditions of Approval as indicated in Exhibit C.

MOTION: To recommend approval of an Official Zoning Map Amendment to allow a rezoning from the Planned Industrial Park Development (PIPD) Zoning District to the Commercial Recreation (CRE) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C.

Brumfield	Davis	Hyman	Anderson	Scarborough	Kaplan	Caliendo	Beatty	Currie
Yes	Absent	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		Moved			Seconded			

People who spoke on this application:

Carol Glasser, Site Planner II, Zoning – Gave brief presentation
 Edna Trimble, Agent, McCraney Property Co. – Agreed to conditions of approval as amended on the add/delete.

General Discussion:

This application was discussed with application Z/COZ-2009-3936 MPC III Turnpike Business Park. Staff distributed a copy of the Fun Depot Go-Cart Track Noise Study dated January 7, 2010 to the Commissioners. The study concludes that the sound levels attributable to the operations of go-cart activities at the

proposed Fun Depot site will be less than 50 dBA in compliance with ULDC requirements. The study was based on a minimum 6-foot high barrier wall on the east and south perimeter of the go-cart track. Staff recommended that the conditions of approval (Landscape – Interior 1 and Landscape – Interior 3) be revised to increase the wall height from 5 feet to 6 feet.

The applicant requested that Use Limitations condition 5 restricting hours of business operation on the amendments to the agenda be deleted and that the uses be subject to current ULDC requirements.

Commissioner Beatty stated that the sound barrier wall should be 8-feet in height to be effective. Staff indicated that the plantings adjacent to the wall will be 8-feet in height. The Zoning Director stated that the conditions of approval require the project to be reviewed within 1 year of the CO.

Commissioner Currie stated that the batting cage lighting will be an issue for nearby residents and aircraft overhead. That applicant stated that the batting cage lighting will be shielded. Commissioner Currie stated that a condition of approval is needed to address the glare. Staff has added Lighting condition 1 to require the batting cage lighting to be shielded in addition to ULDC requirements.

E. SUBDIVISION VARIANCE

END OF REGULAR AGENDA

DIRECTOR COMMENTS

- A. COUNTY ATTORNEY**
- B. ZONING DIRECTOR**
- C. EXECUTIVE DIRECTOR**

COMMISSIONER COMMENTS

ADJOURNMENT

Meeting adjourned at 9:22 am

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